
State Water Resources Control Board

PUBLIC COMMENT PERIOD FOR DRAFT WATER QUALITY CERTIFICATION AMENDMENT RELATED TO PINECREST LAKE LEVELS

PACIFIC GAS AND ELECTRIC COMPANY'S SPRING GAP-STANISLAUS HYDROELECTRIC PROJECT FEDERAL ENERGY REGULATORY COMMISSION PROJECT NO. 2130

To: Interested Parties Mailing List

Pacific Gas and Electric Company (PG&E) filed a request with the State Water Resources Control Board (State Water Board) to modify the Labor Day minimum lake level requirement at Pinecrest Lake. The request is pursuant to Condition 4 of the Clean Water Act Section 401 water quality certification (certification) issued by the State Water Board under [Order WR 2009-0039](#) for the Spring Gap-Stanislaus Hydroelectric Project (Project), Federal Energy Regulatory Commission Project No. 2130.

Background

PG&E owns and operates the Project, which is located on the Middle and South Forks of the Stanislaus River in Tuolumne County, California. On September 15, 2008, the State Water Board issued a certification for the Project. On October 14, 2008, Tuolumne Utilities District (TUD¹) and PG&E filed petitions for reconsideration of the certification based primarily on the Labor Day minimum lake level requirement of 5,610 feet established for Pinecrest Lake. PG&E has a contractual obligation to deliver water to TUD from Lyons Reservoir (part of the Phoenix Hydroelectric Project, FERC Project No. 1061) (Phoenix Project) and Pinecrest Lake (under this Project). On June 16, 2009, the State Water Board amended the certification to lower the Labor Day minimum lake level requirement at Pinecrest Lake from 5,610 feet to 5,608 feet to allow PG&E more flexibility to make contracted water deliveries to TUD. The certification also included an opportunity for PG&E to request a lower Labor Day minimum lake level at Pinecrest Lake after PG&E completed a Lake Level Study analyzing various lake levels lower than 5,608 feet and the resulting effects on recreational beneficial uses.

¹ In 1983, Tuolumne County purchased a water delivery system from PG&E and created TUD. The purchase contract included provisions for PG&E to deliver water to TUD in perpetuity from PG&E's water in Lyons Reservoir and Pinecrest Lake. Ninety-five percent of TUD's water supply is based on this contract. For more information about TUD's water supply, see [TUD's website](https://tudwater.com/) (<https://tudwater.com/>).

Pursuant to Condition 4 of the certification, PG&E submitted a Lake Level Study Report to the State Water Board in April 2011. On December 16, 2011, PG&E submitted a request to modify the Labor Day minimum lake level requirement at Pinecrest Lake, which also included a mitigation plan to address the impacts to recreation due to lower lake levels. On March 16, 2015, the State Water Board, as the California Environmental Quality Act (CEQA) lead agency, released a draft *Pinecrest Lake Level Modification Project Initial Study and Mitigated Negative Declaration* (Lake Level IS-MND) for public comment. The State Water Board received 124 comment letters.

Overview of State Water Board Staff's Proposal

During the summer, the amount of available water in Pinecrest Lake is primarily dependent on two factors: End of Spill date and PG&E's Labor Day lake level requirement. The End of Spill is defined as the date Pinecrest Lake level falls below 5,617 feet and PG&E begins to make releases from stored water. PG&E's obligations include Project minimum instream flow (MIF) requirements, Phoenix Project MIF requirements, and PG&E's contractual obligations to TUD. An earlier End of Spill date increases the period of time that PG&E must meet its obligations with the stored water available in Lyons Reservoir and Pinecrest Lake.

There is a general correlation between the End of Spill date and TUD's request for supplemental supply water from Pinecrest Lake. Based on this correlation, staff determined that use of the End of Spill date (instead of water year type) is the most appropriate trigger for establishment of minimum Pinecrest Lake levels on Labor Day.

In evaluating PG&E's request, staff considered the Lake Level Study Report on which the request was based, the *Lake Level IS-MND*, public comments, information provided by TUD and other interested parties, and other available information.

To assess the Pinecrest Labor Day Lake levels requested by PG&E, State Water Board staff quantified the amount of water available in Lyons Reservoir and Pinecrest Lake associated with varying End of Spill dates and Labor Day lake levels. Staff also assessed the volume of water necessary to meet the MIF requirements of the Project and the Phoenix Project, as well as TUD water supply needs. On December 22, 2017, at the request of staff, TUD submitted a Raw Water Supply – Water Balance Technical Memorandum (Water Balance TM). The Water Balance TM contained information regarding TUD's delivery system, as well as gage data. Staff collected information on diversions and other factors that reduce the volume of water available at Lyons Reservoir and Pinecrest Lake. Staff used all the information to perform a Pinecrest Lake-Lyons Reservoir Supply-Demand Analysis (Supply-Demand Analysis). The Supply-Demand Analysis includes a contingency for unknown evaporation/infiltration losses, a projected growth rate through the end of the FERC license term in 2047, and assumes limited water conservation.

The proposed minimum Pinecrest Lake levels on Labor Day are based on TUD's reported water demand between 2009 and 2013 (years prior to the recent drought in which water use levels were influenced significantly by external factors including mandatory water conservation).

The proposed certification amendment also includes measures that must be implemented before the lower Pinecrest Lake levels may be implemented. These measures are based on PG&E's request, the Lake Level Study Report, and the *Lake Level IS-MND*.

Staff's proposed minimum Pinecrest Lake levels on Labor Day are shown as amendments to Condition 4 and Condition 5 of the certification (see attachment).

Public Review Period:

The State Water Board is accepting comments on the draft certification amendment. The comment period is from the date of this notice until March 13, 2020. **Comments must be received by 12:00 pm (noon) on Friday, March 13, 2020.** Comments can be submitted electronically or by mail to:

Email: WR401Program@waterboards.ca.gov

or

Allan Laca
State Water Resources Control Board
Division of Water Rights – Water Quality Certification Program
P.O. Box 2000
Sacramento, CA 95812-2000

In the subject line of your comments, please indicate "Spring Gap-Stanislaus Project Draft Pinecrest Lake Level Amendment." When submitting public comments, only comments submitted in an accessible format (i.e., those that are in compliance with the Web Content Accessibility Guidelines 2.0, or subsequent version, published by the Web Accessibility Initiative of the World Wide Web Consortium at a minimum Level AA success criteria) will be posted to the State Water Board's website. All timely comments will be considered by the State Water Board.

KEEP INFORMED OF PROJECT MILESTONES

To receive emails related to the Project and other projects pursuing certifications managed by the Division of Water Rights, interested persons should enroll in the "Water Rights Water Quality Certification" e-mail notification service. Instructions on how to sign up for the State Water Board's Email Subscription List are outlined below:

1. Visit the State Water Board's [Email Subscription List webpage](http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#rights) at:
http://www.waterboards.ca.gov/resources/email_subscriptions/swrcb_subscribe.shtml#rights
2. Provide your name and email in the required fields.
3. In the categories below the email and name fields, select "Water Rights," then "Water Rights Water Quality Certification."
4. Click the "Subscribe" button.
5. An email will be sent to you. You must respond to the email message to confirm your membership on the selected list(s).

By enrolling in this email list, you will receive notices for current projects in the Division of Water Rights' Water Quality Certification Program, including the Spring Gap-Stanislaus Hydroelectric Project. If you do not have internet access or do not wish to participate in the email subscription list, you may contact Mr. Allan Laca at the phone number listed below to request to receive notices by mail. You can enroll or un-enroll from the email subscription service at any time.

If you have questions regarding this notice, please contact Mr. Allan Laca by email at WR401Program@waterboards.ca.gov or by phone at (916) 322-8469.

ORIGINAL SIGNED BY

Ann Marie Ore

Water Quality Certification Program Manager
Division of Water Rights

JANUARY 28, 2020

Date

Attachment: Draft Spring Gap-Stanislaus Hydroelectric Project Water Quality Certification Amendment